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2
3 IN THE UNITED STATES DISTRICT COURT

4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 RYKER WILLIAM SCHENCK,

No. C 11-00449 CW (PR)

6 Petitioner,

ORDER DISMISSING CASE

7 v.

8 PEOPLE OF THE STATE OF
9 CALIFORNIA, et al.,

10 Respondents.
11 _____/

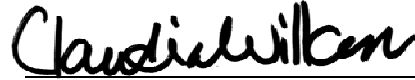
12 The Clerk of the Court erroneously opened this case when
13 Petitioner filed a document entitled, "Petition for Writ of
14 Mandate," which is related to his other pending action, Schenck v.
15 People of the State of California, Case No. C 11-0448 CW (PR).
16 Petitioner also filed a document entitled, "Amended Petition,"
17 which is a duplicate copy of the amended petition filed in Case No.
18 C 11-0448 CW (PR). He has also filed a letter to the Court and a
19 motion for leave to proceed in forma pauperis.

20 The Court directs the Clerk to refile the following in Case
21 No. C 11-0448 CW (PR) using the date they were filed: (1) the
22 "Petition for Writ of Mandate" (docket no. 1), which shall be
23 renamed as a "Supplement to the Petition;" (2) Petitioner's letter
24 (docket no. 3), which shall be renamed as a "Letter re:
25 Entrapment;" and (3) the "Amended Petition," which shall be renamed
26 as a "Duplicate Copy of the Amended Petition". The Court will
27 review Petitioner's "Amended Petition" in a separate written Order
28 in Case No. C 11-0448 CW (PR).

1 The present action is DISMISSED because it was opened in
2 error. The in forma pauperis application (docket no. 5) is DENIED
3 as moot. No filing fee is due. The Clerk shall close the file.

4 IT IS SO ORDERED

5 Dated: 3/31/2011



CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RYKER WILLIAM SCHENCK,

Case Number: CV11-00449 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

PEOPLE OF STATE OF CA et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 31, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Ryker William Schenck
Marin County Jail
Prisoner No. 0092899
13 Peter Behr Drive
San Rafael, CA 94903

Dated: March 31, 2011

Richard W. Wiekling, Clerk
By: Nikki Riley, Deputy Clerk